

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF ALLTEL)	
COMMUNICATIONS, INC. FOR A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY TO)	
CONSTRUCT A CELL SITE AT 543 BASEBALL HILL)	CASE NO.
ROAD, OFF KENTUCKY STATE ROUTE 207, NEAR)	2004-00161
THE ARGILLITE AREA IN SOUTHEASTERN)	
GREENUP COUNTY, KENTUCKY)	
(ARGILLITE SITE))	

O R D E R

On May 11, 2004, ALLTEL Communications, Inc. ("Applicant") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility consists of a self-supporting antenna tower not to exceed 196 feet in height, with attached antenna, to be located at 543 Baseball Hill Road, Argillite, Greenup County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 28' 6.6" by West Longitude 82° 50' 50.15".

The Applicant has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Licensed Professional Engineer has certified the plans.

Pursuant to 807 KAR 5:063, the Applicant has notified the County Judge/Executive of the proposed construction. Because the height of the tower does not exceed 200 feet, the Applicant was not required to file applications with the Federal Aviation Administration and the Kentucky Airport Zoning Commission seeking approval for the construction and operation of the proposed facility.

The Applicant has filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. The Commission received a request for information regarding the proposed construction from Bobby Thompson on May 13, 2004. The Commission issued a response on May 20, 2004 requesting the Applicant to submit a written response to Mr. Thompson and allowing Mr. Thompson 30 days to request intervention in the matter. The Applicant's response was sent to Mr. Thompson on June 4, 2004. No further correspondence has been received from Mr. Thompson.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicant has demonstrated that a facility is necessary to provide adequate utility service and that, therefore, a Certificate of Public Convenience and Necessity to construct the proposed facility should be granted.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, the Applicant should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such

notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by the Applicant.

IT IS THEREFORE ORDERED that:

1. The Applicant is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility consists of a self-supporting antenna tower not to exceed 196 feet in height, with attached antenna, and is to be located at 543 Baseball Hill Road, Argillite, Greenup County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 28' 6.6" by West Longitude 82° 50' 50.15".

2. The Applicant shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 6th day of August, 2004.

By the Commission

ATTEST:



Executive Director

Case No. 2004-00161